UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,252	12/21/2001	Peter V. Radatti	CSI-02	6644

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EXAMINER
ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
2175	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/032,252	Applicant(s) RADATTI, PETER V.
	Examiner Neveen Abel-Jalil	Art Unit 2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-26* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

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Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claims 10, 17, and 26 are objected to under 37 CFR 1.75(c), as being of improper

dependent form for failing to further limit the subject matter of a previous claim. Applicant is

required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent

form, or rewrite the claim(s) in independent form.

For example, claim 10 should be rewritten to include the elements of claims 9, and 1 as

stated in the claim. Claim 17 should be rewritten to include the elements of claims 16 and 17.

Claim 26 should be rewritten to include the elements of claims 25 and 18.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

3.   Claims 10, 17, and 26 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 10, lines 1, the recitation of "the first data file generated by the method of claim 9"

is vague and indefinite, it is not clear to the Examiner how claim 9 is functionalable to generate

the method of claim 10? It is also unclear to the Examiner, which steps in claim 1 and eventually

claim 9 are supposed to be completed to achieve the product of claim 10. Product-by-process

claims are limited by and defined by the process; determination of patentability is based on the

product itself. Products-by-process claims are not limited to the manipulations of the recited

steps, only the structure implied by the steps. See also MPEP § 2113.

Claims 17, and 26 contain the same deficiencies stated above.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-3, 5-13, 15-19, and 21-26 are rejected under 35 U.S.C. 102(e) as being

anticipated by Sowa et al. (U.S. Patent No. 6,594,665 B1).

As to claims 1, and 18, Sowa et al. discloses a method for securing, maintaining,

monitoring and controlling computer files comprising:

providing a first data file, comprised of at least one first data file file name as well as a

first data file hash value for each file referred to by each of said first data file file names (See

column 8, lines 14-27, also see abstract, wherein "secure" reads on "validate that the stored data

matched the search data");

providing a second data file, comprised of at least one second data file file name (See

column 8, lines 44-67, and see column 9, lines 25);

comparing said second data file to said first data file in a comparison cycle, wherein said

comparison cycle further comprises (See column 5, lines 23-35);

obtaining each file referred to by each of said second data file file names (See column 8,

lines 44-67, and see column 9, lines 25);

generating a second data file hash value for each file referred to by each of said second

data file file names (See column 8, lines 44-67, and see column 9, lines 25);

sending each second data file hash value and each second data file file name to a

comparison component (See column 8, lines 44-61, and see column 6, lines 25-59).

As to claim 2, Sowa et al. discloses further comprising repeating the steps of:

obtaining each file referred to by each of said second data file file names (See column 8,

lines 44-67, and see column 9, lines 25);

generating a second data file hash value for each file referred to by each of said second

data file file names (See column 8, lines 44-67, and see column 9, lines 25);

sending each second data file hash value and each second data file file name to a

comparison component (See column 5, lines 23-35).

As to claims 3, and 19, Sowa et al. discloses further comprising the step of:

comparing each second data file hash value to each first data file hash value (See column

5, lines 1-35).

As to claims 5, and 21, <u>Sowa et al.</u> discloses wherein the step of providing a first data file further comprises proving an alternate data file (See column 5, lines 1-35).

As to claims 6, 12, and 22, <u>Sowa et al.</u> discloses further comprising the step of reporting the results of said comparison cycle (See column 6, lines 16-64).

As to claims 7, 13, and 23, <u>Sowa et al.</u> discloses further comprising the step of logging the results of said comparison cycle (See column 6, lines 60-67, and see column 7, lines 25, also see column 5, lines 23-35).

As to claims 8, 15, and 24, <u>Sowa et al.</u> discloses further comprising the step of sending the results of said comparison cycle to a client comparison status mechanism (See column 6, lines 60-67).

As to claims 9-10, 16-17, and 25, 26, <u>Sowa et al.</u> discloses wherein the step of generating a first data file further comprises using a Loop Back mechanism to generate said first data file (See column 6, lines 25-36).

As to claim 11, <u>Sowa et al.</u> discloses a method for securing computer files comprising:

generating a secure system data file, further comprising creating a hash value for a file and arranging said hash value with its respective file name (See column 8, lines 14-27, also see abstract, wherein "secure" reads on "validate that the stored data matched the search data");

storing said secure system data file (See column 8, lines 14-27); and,

comparing said secure system data file to a comparison data file in a comparison cycle,

wherein said comparison data file further comprises at least one file name (See column 5, lines

23-35), and wherein said comparison cycle further comprises hashing said file name, and

sending said hash value and file name to a comparison component, whereby said second data file

hash value is compared to said first data file hash value (See column 8, lines 44-61, and see

column 6, lines 25-59).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 4, 14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sowa et al. (U.S. Patent No. 6,594,665 B1) in view of Adya et al. (U.S. Pub. No. 2002/0188605

A1).

As to claims 4, and 20, Sowa et al. does not teach wherein the step of providing a first

data file further comprises proving a secure system data file.

Adya et al. teaches wherein the step of providing a first data file further comprises

proving a secure system data file (See page 12, lines 13-67).

Therefore, it would have been obvious to a person having ordinary skill in the art at the

time of the invention was made to have modified <u>Sowa et al.</u> to include wherein the step of

providing a first data file further comprises proving a secure system data file.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have modified <u>Sowa et al.</u> by the teaching of <u>Adya et al.</u> to include wherein the step

of providing a first data file further comprises proving a secure system data file because it

provides for database security and file authentication.

As to claim 14, <u>Sowa et al.</u> does not teach further comprising the step of securing a

system in lock down mode.

<u>Adya et al.</u> teaches further comprising the step of securing a system in lock down mode

(See pages 11-12, paragraphs 0144-0146).

Therefore, it would have been obvious to a person having ordinary skill in the art at the

time of the invention was made to have modified <u>Sowa et al.</u> to include further comprising the

step of securing a system in lock down mode.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have modified <u>Sowa et al.</u> by the teaching of <u>Adya et al.</u> to include further

comprising the step of securing a system in lock down mode because it provides for database

security and file authentication.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114.

The examiner can normally be reached on 8:00AM-4: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
May 11, 2004

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